

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

FILED

MAR 30 2001

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:

CHAPTER 7

INTERNATIONAL HERITAGE, INC.,

CASE NO. 98-02675-5-ATS

Debtor,

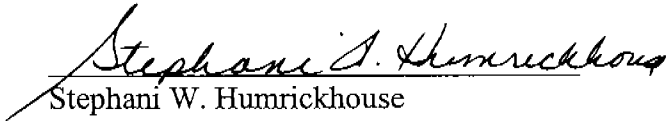
MOTION FOR AUTHORITY TO COMPROMISE
ADVERSARY PROCEEDING BY DISMISSAL
(S-00-00269-5-AP)

NOW COMES Holmes P. Harden, Trustee, Trustee herein and plaintiff in the adversary proceeding captioned "Holmes P. Harden, Trustee, Plaintiff vs. Michael Russo, Defendant", Adversary Proceeding No. S-00-00269-5-AP filed in this case (the "Adversary Proceeding"), through counsel and pursuant to Bankruptcy Rule 9019, and moves this Court for an order granting it authority to compromise the Adversary Proceeding by dismissal. In support of this Motion, the Trustee shows the Court that:

1. Holmes P. Harden, is the duly appointed Trustee in this case.
2. The \$39,020.46 as to the First Cause of Action and \$39,020.46 as to the Second Cause of Action sought by the Complaint in the Adversary Proceeding represents the sum total of payments which the Trustee alleged to be avoidable and recoverable under Bankruptcy Code §547, §548 and §550 of the Bankruptcy Code.
3. The Defendant has disputed the amount of the Trustee's claim and raised a number of defenses. The Trustee has concluded that the defenses raised constitute a complete defense to the Adversary Proceeding.
4. The Trustee has dismissed the Adversary Proceeding without prejudice, subject to Court approval.
5. The Trustee believes that the proposed dismissal is in the best interests of the estate and its creditors and requests that the Court approve this Motion.

WHEREFORE, the Trustee prays for an order approving and authorizing the dismissal of the Adversary Proceeding.

This the 30 day of March, 2001.


Stephani W. Humrickhouse

State Bar #9528

Attorney for Trustee

NICHOLLS & CRAMPTON, P.A.

Post Office Box 18237

Raleigh, North Carolina 27619

Telephone: (919) 781-1311

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **MOTION FOR AUTHORITY TO COMPROMISE ADVERSARY PROCEEDING BY DISMISSAL** was served this day by placing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service first-class postage prepaid and properly addressed as follows:

Michael Russo
12600 Beech Tree Lane
Eules, TX 76040

This the 30 day of March, 2001.



Phyllis Hill
Legal Assistant
NICHOLLS & CRAMPTON, P.A.
Post Office Box 18237
Raleigh, North Carolina 27619
Telephone No: 919-781-1311